

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

PROMONTORY INTERFINANCIAL)
NETWORK, LLC,)
)
Plaintiff,)
v.)
)
DOUBLE ROCK CORP., p/k/a)
RESERVE MANAGEMENT CORP, *et al.*,)
)
Defendants.)

Case No.: 1:09-cv-316

ORDER

This matter comes before the Court on the Motion to Dismiss Amended Complaint and/or Motion to Transfer Case filed by Defendants Double Rock Corp., Island Intellectual Property, LLC, and LIDs Capital, LLC (Dkt. no. 14). Upon consideration of this motion and the parties' memoranda, for the reasons stated in open court, and for good cause shown, it is hereby

ORDERED that Defendants' Motion to Transfer Case (Dkt. no. 14) is GRANTED. Accordingly, this case SHALL BE TRANSFERRED to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 1404. In addition to the reasons stated in open court, the Court believes that transfer is proper under the recent United States Court of Appeals for the Federal Circuit decision, *In re Volkswagen of Am., Inc.*, 2009 WL 1425475 (Fed. Cir. May 22, 2009). In that case, Judge Linn wrote, "the existence of multiple lawsuits involving the same issues is a paramount consideration when determining whether a transfer is in the interest of justice. As the Supreme Court noted in *Continental Grain Co. v. The FBL*-585, 364 U.S. 19, 26, 80 S.Ct. 1470, 4 L.Ed. 2d 1540 (1960), '[t]o permit a situation in which two cases


involving precisely the same issues are simultaneously pending in different District Courts leads to the wastefulness of time, energy and money that § 1404(a) was designed to prevent.”

Volkswagen, 2009 WL 1425475 at *2.

In addition to the present matter, two subsequently filed related matters were ongoing in the Eastern District of Virginia, Richmond Division, before Judge Robert Payne. Because all three actions involve the same family of patents, Judge Payne reassigned both of his matters to the Alexandria division. (See Case No.: 3:09-cv-217, Dkt. no. 13, Case No.: 3:09-cv-322, Dkt. no. 4). Upon reassignment, Case No.: 3:09-cv-217 was terminated and renamed Case No.: 1:09-cv-584. Similarly, Case No.: 3:09-cv-322 was terminated and renamed Case No.: 1:09-cv-604. The effect of this Order is to transfer all three related matters presently active in this court (*i.e.*, Case No.: 1:09-cv-316, Case No.: 1:09-cv-584, and Case No.: 1:09-cv-604) to the United States District Court for the Southern District of New York, where a similar litigation is proceeding.

ENTERED this 1st day of June, 2009.

Alexandria, Virginia

/s/ 
Liam O'Grady
United States District Judge